



IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

M.P.No. 5142 OF 93. D.B. 2011

Lalji Verma s/o Pachkaur Prasad Verma
aged 38 years, R/o Bhilal - 3,
District Durg.

... PETITIONER.

Versus

1. Municipal Corporation,
Raipur.

2. State of M.P. through
Secretary, Local Self-Govt.,
Ballabh Bhawan,
Bhopal.

... RESPONDENTS.

PETITION UNDER ARTICLE 226 & 227 OF THE
CONSTITUTION OF INDIA.

आदेश पत्रक

W.P. 5142/93

मायला क्रमांक

सन् 2000

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>05-07-2005</u> Shri Yogesh Pandey, counsel for the petitioner. Shri H.B. Agrawal, Sr. Advocate with Shri Pankaj Agrawal, counsel for respondent No. 1. Shri Arun Sao, Dy. Govt. Advocate and Shri Akhil Agrawal, Panel Lawyer for the State/respondent No. 2. Heard learned counsel for the parties. This petition was filed under Article 226/227 of the Constitution of India on 29-12-1993 seeking following prayer : <i>"It is, therefore, prayed that the Hon'ble Court be pleased to issue a writ of mandamus directing the respondent</i> <i>(1) not to hold the said interview for filling the said post of Ayurved Medical Officer or to select the person and also not to fill up the post till the decision of the petition;</i> <i>(2) to direct the respondent No.1 to consider the petitioner's name for the post of Ayurved Medical Officer and the post may not be filled till the petitioner had been considered for the said post;</i> <i>(3) any other writ, order or direction which the court may deem fit may granted."</i> The facts in nutshell for adjudication of the case are that the petitioner was appointed on ad hoc basis as Ayurved	

[पीछे देखिये]

आदेश पत्रक

W.P. 5142/93

मामला क्रमांक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Medical Officer by the Commissioner, Municipal Corporation, Raipur on 20-2-1984. He continued to work till 23-8-1985. Shri Pandey, learned counsel for the petitioner contends that the petitioner be considered for continuation on the service and the respondents should not appoint any other Ayurved Medical Officer on his post. Shri Agrawal, learned Senior counsel appearing for respondent No.1 submits that respondent No.1 intends to select and appoint Ayurved Medical Officer on regular basis in accordance with the provisions of law. In the case of <u>State of Haryana and Others vs. Piara Singh and Others</u> reported in <u>(1992) 4 SCC 118</u>, the Supreme Court while considering regularization of ad hoc/contract employees has held as under : <i>"46. Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regular selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority."</i> Learned counsel for respondent No.1 submits that the case of the petitioner will also be considered if he is found eligible otherwise in accordance with law when the selection	

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W.P. 5142/93

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	is made for appointment on the post of Ayurved Medical Officer on regular basis. The petitioner has no right to challenge the action of respondent No.1 to appoint Ayurved Medical Officer on regular basis in place of ad hoc appointment of the petitioner. In view of the above stated facts and circumstances, the petition is dismissed with a direction that respondent No.1 will consider the application of the petitioner also, while making selection for appointment on the post of Ayurved Medical Officer on regular basis in accordance with law. No order as to costs.	Sd/- Satish K. Agnihotri Judge

Gowri